

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HERBERTO TOBIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 14-12757-DPW
	)	
UMASS CORRECTIONAL HEALTH CARE,	)	
et al.,	)	
	)	
Defendants.	)	

FINAL ORDER OF DISMISSAL  
April 8, 2015

Herberto Tobin was a named plaintiff in *Stote v. UMass Correctional Health Care*, C.A. No. 13-10267-NMG, a civil rights action filed by MCI Norfolk inmate John E. Stote in which he and over one hundred other prisoners claimed that medical care at MCI Norfolk was inadequate.

In an order dated June 25, 2014, the Court ordered that the claims of each plaintiff be severed and that a separate case be opened up for each individual plaintiff. *See id.* (D. 20). The order directed each plaintiff who wanted to prosecute his own claims to pay the \$400 filing fee or file an Application to Proceed in District Court Without Prepaying Fees or Costs within sixty days and that the failure to pay the fee or seek leave to proceed without payment of the fee may result in dismissal of the individual action without prejudice. The Clerk mailed a copy of Judge Gorton's order and the form Application to Tobin in June 2014.

The sixty-day period has expired without any response from Tobin. The documents the Clerk sent to him were returned as

undeliverable<sup>1</sup> and the Court is unable to obtain any information regarding his location.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE. No filing fee shall be assessed. This order is a final dismissal order.

SO ORDERED.

/s/ Douglas P. Woodlock  
DOUGLAS P. WOODLOCK  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>While the complaint contains allegations specific to Tobin, see Compl. at 39-40, he did not sign the complaint. Above the signature line in the portion of the complaint specific to him, someone wrote "cannot find." See *id.* at 40. On the signature line at the end of the complaint, someone typed "No Longer at MCI-Norfolk" above his name. See *id.* at 188.